

Senate File 339 - Introduced

SENATE FILE 339

BY BERTRAND

A BILL FOR

1 An Act relating to the number of days available for voters
2 to vote absentee ballots, and including applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.8, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2017, is amended to read as
3 follows:

4 Upon receipt of an application for an absentee ballot and
5 immediately after the absentee ballots are printed, but not
6 more than fifteen days before the election, the commissioner
7 shall mail an absentee ballot to the applicant within
8 twenty-four hours, except as otherwise provided in subsection
9 3. The absentee ballot shall be sent to the registered voter
10 by one of the following methods:

11 Sec. 2. Section 53.8, subsection 3, paragraph b, Code 2017,
12 is amended to read as follows:

13 ~~b. (1) If the application is received more than five days~~
14 ~~before the ballots are printed and the commissioner has elected~~
15 ~~to have the ballots personally delivered during the ten-day~~
16 ~~period after the ballots are printed, the commissioner shall~~
17 ~~mail to the applicant within twenty-four hours a letter in~~
18 ~~substantially the following form:~~

19 ~~Your application for an absentee ballot for the election~~
20 ~~to be held on has been received. This ballot will~~
21 ~~be personally delivered to you by a bipartisan team sometime~~
22 ~~during the ten days after the ballots are printed. If you will~~
23 ~~not be at the address from which your application was sent~~
24 ~~during any or all of the ten-day period immediately following~~
25 ~~the printing of the ballots, the ballot will be personally~~
26 ~~delivered to you sometime during the fourteen days preceding~~
27 ~~the election. If you will not be at the address from which~~
28 ~~your application was sent during either of these time periods,~~
29 ~~contact this office and arrangements will be made to have your~~
30 ~~absentee ballot delivered at a time when you will be present at~~
31 ~~that address.~~

32 ~~(2)~~ If the application is received more than fourteen
33 fifteen calendar days before the election and the commissioner
34 has not elected to mail absentee ballots to applicants as
35 provided under section 53.22, subsection 3, and ~~has not elected~~

1 ~~to have the absentee ballots personally delivered during the~~
 2 ~~ten-day period after the ballots are printed,~~ the commissioner
 3 shall mail to the applicant within twenty-four hours a letter
 4 in substantially the following form:

5 Your application for an absentee ballot for the election
 6 to be held on has been received. This ballot will
 7 be personally delivered to you by a bipartisan team sometime
 8 during the ~~fourteen~~ fifteen days preceding the election. If
 9 you will not be at the address from which your application
 10 was sent during any or all of the ~~fourteen-day period~~ fifteen
 11 calendar days immediately preceding the election, contact this
 12 office and arrangements will be made to have your absentee
 13 ballot delivered at a time when you will be present at that
 14 address.

15 Sec. 3. Section 53.10, subsection 1, Code 2017, is amended
 16 to read as follows:

17 1. Not more than ~~forty~~ fifteen days before the date of the
 18 primary election or the general election, the commissioner
 19 shall provide facilities for absentee voting in person at the
 20 commissioner's office. This service shall also be provided
 21 for other elections as soon as the ballots are ready, but in
 22 no case shall absentee ballots be available under this section
 23 more than ~~forty~~ fifteen days before an election.

24 Sec. 4. Section 53.11, subsection 1, paragraph a, Code 2017,
 25 is amended to read as follows:

26 a. ~~Satellite~~ Not more than fifteen days before the date
 27 of an election, satellite absentee voting stations may be
 28 established throughout the cities and county at the direction
 29 of the commissioner and shall be established upon receipt
 30 of a petition signed by not less than one hundred eligible
 31 electors requesting that a satellite absentee voting station
 32 be established at a location to be described on the petition.
 33 However, if a special election is scheduled in the county on a
 34 date that falls between the date of the regular city election
 35 and the date of the city runoff election, the commissioner is

1 not required to establish a satellite absentee voting station
2 for the city runoff election.

3 Sec. 5. Section 53.22, subsection 1, paragraph a,
4 subparagraph (1), Code 2017, is amended to read as follows:

5 (1) A registered voter who has applied for an absentee
6 ballot, in a manner other than that prescribed by section
7 53.10 or 53.11, and who is a resident or patient in a health
8 care facility or hospital located in the county to which
9 the application has been submitted shall be delivered the
10 appropriate absentee ballot by two special precinct election
11 officers, one of whom shall be a member of each of the
12 political parties referred to in section 49.13, who shall be
13 appointed by the commissioner from the election board panel
14 for the special precinct established by section 53.20. The
15 special precinct election officers shall be sworn in the manner
16 provided by section 49.75 for election board members, shall
17 receive compensation as provided in section 49.20, and shall
18 perform their duties during the ~~ten calendar days after the~~
19 ~~ballots are printed if the commissioner so elects, during the~~
20 ~~fourteen~~ fifteen calendar days preceding the election, and
21 on election day if all ballots requested under section 53.8,
22 subsection 3, have not previously been delivered and returned.

23 Sec. 6. Section 53.22, subsection 1, paragraph b, Code 2017,
24 is amended to read as follows:

25 b. If an applicant under this subsection notifies the
26 commissioner that the applicant will not be available at the
27 health care facility or hospital address ~~at any time during the~~
28 ~~ten-day period after the ballots are printed, if applicable,~~
29 ~~or during the fourteen-day period~~ fifteen calendar days
30 immediately prior to the election, but will be available there
31 at some other time prior to the election or on election day,
32 the commissioner shall direct the two special precinct election
33 officers to deliver the applicant's ballot at an appropriate
34 time preceding the election or on election day. If a person
35 who so requested an absentee ballot has been dismissed from

1 the health care facility or hospital, the special precinct
2 election officers may take the ballot to the voter if the voter
3 is currently residing in the county.

4 Sec. 7. Section 53.39, subsection 2, Code 2017, is amended
5 to read as follows:

6 2. All official ballots to be voted by qualified absent
7 voters in the armed forces of the United States at the primary
8 election and the general election shall be printed prior to
9 ~~forty-five~~ sixty days before the respective elections and
10 shall be available for transmittal to such qualified voters
11 in the armed forces of the United States at least ~~forty-five~~
12 sixty days before the respective elections. The provisions of
13 this chapter apply to absent voting by qualified voters in the
14 armed forces of the United States except as modified by the
15 provisions of [this subchapter](#).

16 Sec. 8. Section 53.40, subsection 2, Code 2017, is amended
17 to read as follows:

18 2. The commissioner shall immediately on the ~~forty-fifth~~
19 sixtieth day prior to the particular election transmit ballots
20 to the voter by mail or otherwise, postage prepaid, as directed
21 by the state commissioner, requests for which are in the
22 commissioner's hands at that time, and thereafter so transmit
23 ballots immediately upon receipt of requests. A request for
24 ballot for the primary election which does not state the party
25 affiliation of the voter making the request is void and of no
26 effect. A request which does not show that the person for whom
27 a ballot is requested will be a qualified voter in the precinct
28 in which the ballot is to be cast on the day of the election for
29 which the ballot is requested, shall not be honored. However,
30 a request which states the age and the city, including street
31 address, and county where the voter resides is sufficient to
32 show that the person is a qualified voter. A request by the
33 voter containing substantially the information required is
34 sufficient.

35 Sec. 9. APPLICABILITY. This Act applies to elections held

1 on or after January 1, 2018.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the number of days before an election
6 that a county commissioner of elections is permitted to make
7 absentee ballots available to voters.

8 Under current law, absentee ballot applications may be
9 submitted not more than 70 days before an election, and a
10 county commissioner is required to mail absentee ballots
11 immediately after printing or within 24 hours of receiving an
12 application for such a ballot. The bill maintains the 70-day
13 application period under current law, but prohibits a county
14 commissioner from mailing an absentee ballot more than 15 days
15 before an election.

16 Under current law, a registered voter may vote an absentee
17 ballot in person at a satellite absentee voting station or
18 the county commissioner's office not more than 40 days before
19 an election. Under the bill, a registered voter may vote
20 an absentee ballot in person not more than 15 days before
21 an election. The bill also requires that special precinct
22 election officers deliver ballots to residents or patients in a
23 health care facility or hospital during the 15 calendar days
24 immediately prior to an election.

25 Under current law, absentee ballots for military and
26 overseas voters must be printed prior to 45 days before the
27 election and the ballots for requests received are to be mailed
28 beginning with the 45th day before the election. The bill
29 changes these time periods to 60 days.

30 The bill applies to elections held on or after January 1,
31 2018.